

Labor Day Waiver

[MCL 380.1284b]

Beginning in the 2006-2007 school year, public schools are prohibited from holding classes before Labor Day [MCL 380.1284b]. The requirement to start school after Labor Day does not apply to districts that are already operating a year-round school or program or an international baccalaureate academy that provides 1,160 hours of pupil instruction. If a district begins operating a year-round school or program after September 29, 2005, the district may apply to the Superintendent of Public Instruction for a waiver from the requirement to start after Labor Day. The Superintendent of Public Instruction will grant the waiver if it is determined that the school or program is a bona fide year-round school or program established for educational purposes. The standards for determining a bona fide year-round school or program for the purposes of the waiver are as determined by the Superintendent of Public Instruction.

An intermediate school district is also exempt from the requirement to start school after Labor Day if the intermediate school district (1) contracts with a constituent district or public school academy to provide programs and services for pupils; (2) operates a program or service within a school building owned by a constituent district or public school academy within the boundaries of the intermediate school district; or (3) provides instructional programs or services to pupils of a constituent district or public school academy. The constituent district or public school academy must also be exempt from the requirement by either obtaining a waiver, having a collective bargaining agreement that does not comply with the requirement to start after Labor Day, or by being an international baccalaureate academy. The programs or services provided by the intermediate school district must be provided according to the school district's or public school academy's calendar.

In addition, a public school that operates all of grades 6-12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone curriculum, and that ends the second semester concurrently with the end of the advanced placement examination period is exempt from the requirement to start school after Labor Day.

Waiver Request

A school that operates a school calendar using any of the formats described in the attached Standards for Determining a Bona Fide Year Round School may apply to the Superintendent of Public Instruction for a waiver from the requirement to start school after Labor Day. If the school has already been operating with a year-round format, and would therefore be exempt from the requirement, the school must request approval from the Department to establish that the school is a bona fide year-round school. The waiver request or request for recognition of an existing year-round school must include specific information regarding the school calendar. Please submit the waiver request in writing to the following address:

Daniel M. Hanrahan, Director
State Aid and School Finance
Michigan Department of Education
Post Office Box 30008
Lansing, Michigan 48909
HanrahanD@michigan.gov
Office: 517-335-0521
Fax: 517-241-0196

Standards for Determining a Bona Fide Year Round School

Section 380.1284a and 380.1284b of the Revised School Code requires the Superintendent of Public Instruction to establish standards for determining a bona fide year round school for the purposes of a waiver from the requirement to start school after Labor Day or the adopted common school calendar. The Superintendent has determined that a school or program would be considered a bona fide year-round school if its calendar meets any of the following formats:

Calendar Coterminous with College / University

A school that is on the same calendar as an institution of higher education and the school shares facilities, faculty or courses with the higher education institution (e.g., middle colleges on the same calendar as a community college).

Length of Summer Break

For the 2006-2007 school year, a school that operates a school calendar that includes a summer break during summer of 2006 that is no greater than eight weeks in length may be considered a bona fide year-round school. Beginning in the 2007-2008 school year, a school may be considered a bona fide year-round school if it operates a school calendar that includes a summer break during summer of 2007 that is no greater than six weeks in length. July 4th is considered a public holiday for public schools under Section 380.1175 of the Revised School Code. If July 4th falls on Sunday, the Monday following shall be a public holiday. In addition, the law prohibits a public school from being in session on a public holiday. For the purposes of determining the length of the summer break, July 4th may be excluded.

Persistently Lowest Achieving School

A local educational agency governing a school identified as persistently lowest achieving is required to implement an intervention model specified under federal regulations and guidelines. If the school has selected a model requiring increased learning time as a condition of a reform, the school may have the post Labor Day start requirement waived.

45-15 Single-Track Plan

The year is divided into four nine-week sessions, separated by four three-week vacations. School is in session for nine weeks (45 days) followed by a three-week vacation (15 days). This sequence of sessions and vacations repeats four times each year, thus providing the usual 36 weeks or 180 days of school. Four additional weeks each year are allocated to winter holidays, spring vacation, and national, state, or local holidays.

45-15 Multi-Track Plan

Under this type of calendar, students are divided into four groups. While groups A, B, C, are in school, D is on vacation. When D returns, A goes on vacation. The rotation continues every three weeks, thus providing for 33 percent additional space in the school. Each track has its own 45-15 schedule of nine weeks in school and three weeks on vacation.

60-20 Plan

Students attend school for 60 days (12 weeks) and vacation for 20 days (four weeks). Students rotate through the year until they have had three 60 day terms and three 20 day vacations. The 60-20 Plan can be varied to take into account winter holidays, spring vacation, and national, state, or local holidays. It can be conducted in either a single-track or multiple-track format.

Standards for Determining a Bona Fide Year Round School

60-15 Plan

This plan borrows from both the 45-15 and 60-20 formats in that the instructional period is 60 days and the vacation period is 15 days. By rearranging the instructional days, a common summer vacation of three to four weeks can be given to all students and faculty. It is usually implemented with five tracks available to students. Teachers keep their own classrooms and teach a 225 day contract. One-fifth of the students are always on vacation.

90-30 Plan

The two 90-day semesters are separated by a 30 day vacation period twice a year, schools are closed during the traditional winter holiday period and spring vacation. This calendar can be conducted as either a single-track or a multi-track plan.

Sample 380.1284b Waiver Request

[Date]

Mr. Michael Flanagan
State Superintendent of Public Instruction
Michigan Department of Education
608 West Allegan Street
PO Box 30008
Lansing, MI 48909

Dear Superintendent Flanagan:

Subject: Request for a waiver of the post-Labor Day start requirement. (380.1284b)

[District Name (District Code)] would like to request a waiver of Section 1284b of The Revised School Code, which states, "the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor Day."

Pursuant to the standards for determining a program that qualifies for this waiver, the district would like to request this waiver as it qualifies under the *[i.e. Calendar Coterminous with College / University]* requirement.

Included with this request is a copy of the proposed calendar, should this waiver be approved.

Thank you for your consideration.

Sincerely,

Enclosures (#)
[Proposed School Calendar]